

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA)
)
 v.) Criminal No. 11-194-4
)
BRIAN V. SERCEL)


MEMORANDUM JUDGMENT ORDER

AND NOW, this 19th day of November, 2014, pursuant to the supervised release violation hearing held this day, at which defendant admitted that he consumed alcohol, that he unlawfully possessed and used a controlled substance, that he voluntarily left the 3/4- house treatment facility, that he failed to complete a written report within the first five days of each month and that he failed to comply with the instructions of the probation officer, the court finds by a preponderance of the evidence that defendant has violated the conditions of his supervised release imposed by the Honorable Gary L. Lancaster on February 15, 2013, and as modified by this court on July 29, 2014, that he is prohibited from consuming alcohol, that he shall not unlawfully possess a controlled substance and shall refrain from the unlawful use of a controlled substance, that he shall reside for a period of up to 12 months in a 3/4-house residential facility operated by Recovery United Pittsburgh and the he shall abide by all rules and regulations of that facility, that he shall report to the probation officer and submit a truthful and complete written report within the first five days of each month, and that he shall answer truthfully all inquiries of the probation officer and follow the instructions of the probation officer, all as set forth in the petition on supervised release; and,

The court further finds that defendant's possession of a controlled substance, which would constitute a violation of 21 U.S.C. §844 punishable by a term of imprisonment exceeding one year based upon his prior conviction for conspiracy to distribute a controlled substance, establishes a Grade B violation of the terms of supervision within the meaning of U.S.S.G. §7B1.1(a)(2);

ACCORDINGLY, pursuant to 18 U.S.C. §3583(e)(3), IT IS ORDERED that defendant's term of supervised release be, and the same hereby is, **revoked**, and, upon consideration of the sentencing factors set forth at 18 U.S.C. §3553(a), and, in particular in this case, the need to incapacitate defendant from committing further crimes as discussed more fully on the record at the hearing held this day, that defendant be, and hereby is, **sentenced** to the custody of the United States Bureau of Prisons for a term of imprisonment of twelve (12) months with no supervised release to follow. No fine. No costs; and,

IT FURTHER IS ORDERED that defendant be, and hereby is, remanded to the custody of the United States Marshal.



Gustave Diamond
United States District Judge

cc: Troy Rivetti
Assistant U.S. Attorney

David J. DeFazio, Esq.
Law Office of David J. DeFazio
3945 Forbes Ave, #437
Pittsburgh, PA 15213

Christina Knox
U.S. Probation Officer

United States Marshal
Western District of Pennsylvania

United States Bureau of Prisons

